

**CITY OF ROCHESTER  
COUNCIL AGENDA  
COUNCIL/BOARD CHAMBERS  
GOVERNMENT CENTER  
151 4<sup>TH</sup> STREET SE**

**MEETING NO. 29**  
**REGULAR ADJOURNED**

**DECEMBER 15, 2003**  
**7:00 P.M.**

## PLEDGE OF ALLEGIANCE

PAGE

- |       |     |   |
|-------|-----|---|
| 1-2   | A)  | <b>NONE: OPEN COMMENT PERIOD</b>  |
|       | B)  | <b>CALL TO ORDER</b>  |
|       | C)  | <b>LETTERS AND PETITIONS</b>  |
| 3-4   | D)  | <b>CONSENT AGENDA/ORGANIZATIONAL BUSINESS</b>   |
|       | 1)  | <b>APPROVED:</b> Approval of Minutes  |
| 5-8   | 2)  | <b>APPROVED:</b> Revocable Permit – Projecting Business Signs at 150 South Broadway (Radisson Hotel)  |
| 9-18  | 3)  | <b>APPROVED:</b> Formal Council Approval of Historic Preservation Committee   |
| 19-20 | 4)  | <b>APPROVED:</b> Extension of Professional Services Agreement between the City of Rochester and Affordable Housing Connections for compliance monitoring of the Housing Tax Credit Projects |
| 21-22 | 5)  | <b>APPROVED:</b> On Sale Wine & 3.2% Malt Liquor License for Chipotle Mexican Grill of Colorado LLC   |
| 23-26 | 6)  | <b>APPROVED:</b> Licenses, Bonds & Miscellaneous Activities   |
| 27-28 | 7)  | <b>APPROVED:</b> Approval of Accounts Payable   |
| 29-32 | 8)  | <b>APPROVED:</b> Authorize City to join in the State of Minnesota's negotiated Enterprise Licensing Agreement with Microsoft Corporation to obtain discounted pricing on software           |
| 33-34 | 9)  | <b>APPROVED:</b> Hazmat Grant   |
| 35-36 | 10) | <b>APPROVED:</b> Wage Recommendation for 2004 – Non-Exempt, Non-Contract Employees  |
| 37-38 | 11) | <b>APPROVED:</b> Labor Agreement for 2004 – IATSE   |
| 39-40 | 12) | <b>APPROVED:</b> Water Reclamation Plant Task Order No. 2 and Task Order No. 3 (J-4390)   |

- 41-42 13) **APPROVED:** Sewer Utility Rate Study Professional Services Agreement J-4394
- 43-44 14) **APPROVED:** Rochester City Lines Contract for 2004
- 45-46 15) **APPROVED:** ZIPS Bus Operating Policies and Guidelines, Revised Manual
- 47-48 16) **APPROVED:** Stormwater Management Agreements
- 49-50 17) **APPROVED:** Revocable Permit: Daube's Bakery – 14 3<sup>rd</sup> Street SW
- 51-52 18) **APPROVED:** Real Estate – Agreement release for flood control filling activities, Fairway Ridge
- 53-54 19) **APPROVED:** Agreement for Park & Ride Lot/Bethel Lutheran Church
- 55-56 20) **APPROVED:** Extension of ZIPS Dial-a-Ride Contract for 2004
- 57-58 21) **APPROVED:** Control System Update – Change Order No. 2 Integrated Technology

**E) HEARINGS**

- 59-66 1) **APPROVED:** Continued Hearing on Zoning District Amendment #03-21 by Accessible Space, Inc. to amend zoning from B-4 to B-1 on property located along the south side of Eastwood Road S.E. and east of Casey's General Store.

**F) REPORTS AND RECOMMENDATIONS**

**G) RESOLUTIONS AND ORDINANCES**

67-68

**H) TABLED ITEMS**

**I) OTHER BUSINESS**

**J) ADJOURNMENT**

## REQUEST FOR COUNCIL ACTION

MEETING

DATE: 12/15/03

1

<b>AGENDA SECTION:</b> OPEN COMMENT PERIOD	<b>ORIGINATING DEPT:</b> CITY ADMINISTRATOR	<b>ITEM NO.</b> A
<b>ITEM DESCRIPTION:</b> OPEN COMMENT PERIOD		<b>PREPARED BY:</b> S. KVENVOLD

This agenda section is primarily for the purpose of allowing citizens to address the City Council on a topic of their choice. The following guidelines apply:

- This section of the agenda may not be used as a forum to continue discussion on an agenda item which has already been held as a public hearing.
- This agenda section is limited to 15 minutes and each speaker is limited to 4 minutes.
- Any speakers not having the opportunity to be heard will be first to present at the next Council meeting.
- Citizens may only use this forum to address the Council on a maximum of one time per month.
- Matters currently under negotiation, litigation or related to personnel will not be discussed in this forum.
- Questions posed by a speaker will generally be responded to in writing.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to:

2

## REQUEST FOR COUNCIL ACTION

MEETING

DATE: 12/15/03

3

<b>AGENDA SECTION:</b> CONSENT AGENDA	<b>ORIGINATING DEPT:</b> CITY ADMINISTRATOR	<b>ITEM NO.</b> D-1-21
<b>ITEM DESCRIPTION:</b> APPROVAL OF CONSENT AGENDA ITEMS		<b>PREPARED BY:</b> G. NEUMANN

This RCA lists all the items which have been included in the consent agenda for this meeting. The Council can approve all of the items with a single motion to approve. The Council President will allow the Councilmembers an opportunity to state whether there are any of these items which you wish to have removed from the consent agenda approval and to have them discussed and acted upon separately by the Council.

The consent agenda for this meeting consists of the following RCAs:

- 1) Approval of Minutes
- 2) Revocable Permit – Projecting Business Signs at 150 South Broadway (Radisson Hotel)
- 3) Formal Council Approval of Historic Preservation Committee
- 4) Extension of Professional Services Agreement between the City of Rochester and Affordable Housing Connections for compliance monitoring of the Housing Tax Credit Projects
- 5) On Sale Wine & 3.2% Malt Liquor License for Chipotle Mexican Grill of Colorado LLC
- 6) Licenses, Bonds & Miscellaneous Activities
- 7) Approval of Accounts Payable
- 8) Authorize City to join in the State of Minnesota's negotiated Enterprise Licensing Agreement with Microsoft Corporation to obtain discounted pricing on software
- 9) Hazmat Grant
- 10) Wage Recommendation for 2004 – Non-Exempt, Non-Contract Employees
- 11) Labor Agreement for 2004 – IATSE
- 12) Water Reclamation Plant Task Order No. 2 and Task Order No. 3 (J-4390)
- 13) Sewer Utility Rate Study Professional Services Agreement J-4394
- 14) Rochester City Lines Contract for 2004
- 15) ZIPS Bus Operating Policies and Guidelines, Revised Manual
- 16) Stormwater Management Agreements
- 17) Revocable Permit: Daube's Bakery – 14 3<sup>rd</sup> Street SW
- 18) Real Estate – Agreement release for flood control filling activities, Fairway Ridge
- 19) Agreement for Park & Ride Lot/Bethel Lutheran Church
- 20) Extension of ZIPS Dial-a-Ride Contract for 2004
- 21) Control System Update – Change Order No. 2 Integrated Technology

### COUNCIL ACTION REQUESTED:

Motion to/ approve consent agenda items

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to:

A

## REQUEST FOR COUNCIL ACTION

MEETING

DATE: 12/15/03

5

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: City Administrator	ITEM NO. <b>D-2</b>
ITEM DESCRIPTION Revocable Permit -- Projecting business signs at 150 South Broadway (Radisson Hotel)		PREPARED BY: T. Spaeth

The City has received a request from Rochester Sign Service to install 2 signs for Charles Schwab that project over the public sidewalk along the Radisson Hotel Building. The Land Development Manual allows for projections over a public sidewalk in the Central Development Core District provided a revocable permit is approved by the City Council.

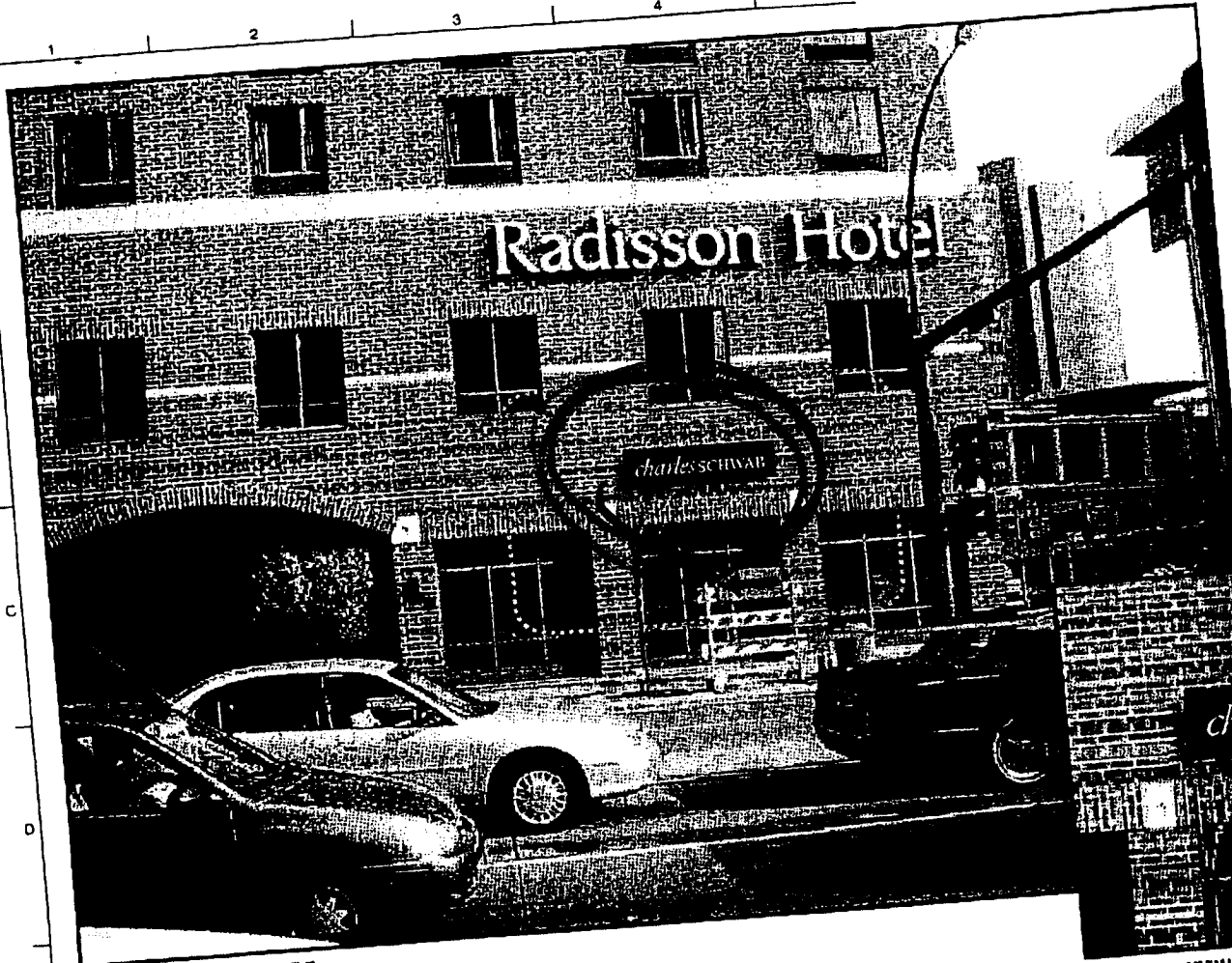
The proposed business signs are 2'6" wide and extend for a length of 10'6" and are 9" deep. The bottom of the signs are approximately 16' above the sidewalk.

The sign proposed to extend along the west side (South Broadway) is subject to permit approval from MnDOT.

### COUNCIL ACTION REQUESTED

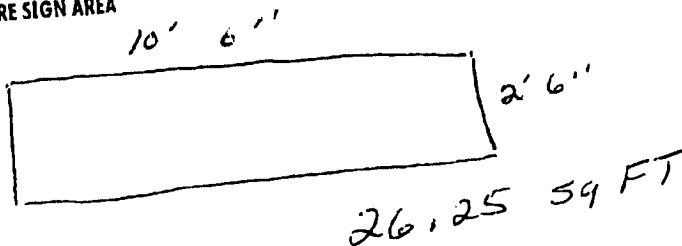
Approval of a revocable permit for projecting business signs attached to the Radisson Hotel Building at 150 South Broadway with condition that applicant receive MnDOT permit approval for sign along South Broadway and using the standard language and conditions.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_



**PROPOSED SIGNAGE**

N.T.S. INSTALLER TO FIELD MEASURE SIGN AREA



**NOTES:**

1 (one) illuminated sign cabinet to be installed at entrance, as shown.  
Sign to be mounted flush to flat wall area. Power to signage by others.

**MAGNIFIED VIEW**

PROPOSED SIGN TO BE INSTALLED AS SHOWN

**OPTION #1A (SEE PAGE 6.0 FOR DETAILS)**



**Houston • Dallas  
Buffalo**

**Buffalo Regional Office**  
25 Northpointe Parkway  
Amherst, New York 14228  
716-831-7000  
FAX: 716-831-0779

**Houston Corporate Office**  
1800 Bering Drive  
Houston, TX 77057  
713-977-7900  
Fax 713-977-7903

*charles SCHWAB*

**Rochester, MN**

**APPROVALS**

CLIENT \_\_\_\_\_

DESIGN \_\_\_\_\_

PROD. \_\_\_\_\_

DRAWN BY - \_\_\_\_\_

REVISION

DATE 10/24/03

DESCRIPTION

**2.0**



1

## CITY OF ROCHESTER REVOCABLE PERMIT APPLICATION

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**APPLICANT**

**NAME** Rochester Sign Service (Ed Trust) **PHONE** 287-6500  
FAX 287-8668

**APPLICANT**

**ADDRESS** 3205 East River Rd. NE, Rochester, MN. 55906

**NAME OF**

**BUSINESS** Charles Schwab office at Radisson Hotel Building

**LOCATION OF**

**PROPERTY** 150 South Broadway

**PROPERTY OWNER**

**NAME** BGDS Limited Partnership - Radisson

**REASON FOR**

**APPLICATION** To erect a projecting business sign for Charles Schwab  
on the Radisson Hotel. The signs (2) are proposed to be 10'6" x 2'6" x 9" deep  
and 16' above the sidewalk. One sign would be located along  
S. Broadway and the other along 2nd St. SW.

**CITY PUBLIC WORKS DEPARTMENT REVIEW**

Applicant will need to provide a site plan indicating specific location and dimensions of the proposed appurtenance encroaching into the public right-of-way.



## REQUEST FOR COUNCIL ACTION

MEETING

DATE: 12/15/03

9 ✓

<b>AGENDA SECTION:</b> Consent Agenda	<b>ORIGINATING DEPT:</b> City Administrator	<b>ITEM NO.</b> <b>D-3</b>
<b>ITEM DESCRIPTION:</b> Formal Council approval of Heritage Preservation Committee		<b>PREPARED BY:</b> T. Spaeth

The Mayor recently received a request by the Historic Preservation Committee to request action by the Council to approve appointments to this Committee and to approve a requested name change from the Rochester Historic Preservation Committee to the Rochester Heritage Preservation Committee. (See attached).

By way of background, Mayor Canfield established the Historic Preservation Committee in 2000, to provide information and advise the Mayor's office on issues pertaining to local historic preservation. The Committee was not formally established as an advisory body to the Council on such matters. The only Council actions related to the Committee, were confirmation of the Mayor's appointments to the Committee back on December 3, 2001 and a re-appointment in August, 2002.

It would appear that based upon the stated goals of the Committee, they are hoping to be able to provide advice and recommendations to the Council on matters of local historical and heritage preservation. That being the case, it would require approval by Council ordinance to formally establish this Committee as a Council advisory body.

The size of the Committee will be limited to twelve (12) members, that may serve no more than two, 3 year terms. Appointments to the Committee shall be made by the Mayor with the Council's advice and consent.

### COUNCIL ACTION REQUESTED:

Adopt an ordinance formally establishing the Rochester Heritage Preservation Committee.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to:

10

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CREATING AND ENACTING  
CHAPTER \_\_\_\_ OF THE ROCHESTER CODE OF  
ORDINANCES, RELATING TO THE HERITAGE  
PRESERVATION COMMITTEE.

THE COMMON COUNCIL OF THE CITY OF ROCHESTER DO ORDAIN:

Section 1. Chapter \_\_\_\_ of the Rochester Code of Ordinances is hereby created and enacted to read as follows:

CHAPTER \_\_\_\_ HERITAGE PRESERVATION COMMITTEE

\_\_\_\_. Heritage Preservation Committee. Subdivision 1. There is hereby established a Heritage Preservation Committee. The Committee shall consist of twelve members. The mayor shall appoint, with the council's advice and consent, all members of the Committee who shall serve without compensation. A minimum of one member of the Committee shall be a representative of the Olmsted County History Center.

Subd. 2. Each Committee member shall serve the appointed term until a successor is appointed and qualified. The members of the Heritage Preservation Committee in place at the time this ordinance becomes effective shall continue to serve in this capacity until their current terms of office expire. The terms of the Committee members shall be staggered in such a manner that four of the members will be appointed to the Committee in any given year

Subd. 3. Should a vacancy occur, the mayor shall appoint, with the council's advice and consent, a city resident to fill the unexpired term of the appointment.

Subd. 4. Before beginning service on the Committee, each Committee member must take and subscribe an oath of office as prescribed by the Charter.

Subd. 5. The mayor, with the advice and consent of the council, may remove any Committee member whenever the mayor determines the City's best interests are served by the removal.

Subd. 6. The Committee shall adopt a set of rules to govern its meetings and procedures. The rules must be consistent with the Charter and Code. The rules may be amended from time to time, but only upon notice to all members that proposed amendments will be acted upon at a specified meeting.

Subd. 7. Each Committee member, including the chair and vice-chair, will have one vote on all matters acted upon by the Committee.

Subd. 8. The mission and goals of the Committee as may be amended from time to time are listed as follows:

- 11
1. Advocate for sensitive and adaptive use of architectural structures in a way that preserves the historic legacy of Rochester;
  2. Encourage collecting and caring for a variety of materials that document human life in Rochester, making them known and accessible to people in Rochester and beyond;
  3. Increase community awareness of the value of Rochester's cultural resources;
  4. Encourage integration of heritage preservation at all levels of planning;
  5. Promote heritage preservation as an economic development tool;
  6. Identify, evaluate and designate significant historical resources;
  7. Encourage appropriate management and treatment of historic resources; and
  8. Expand the network of organizations and individuals engaged in heritage preservation.

\_\_\_\_\_. Powers and Duties. The Committee shall act as an advisory body to the Common Council, Boards, Commissions and officials of the City of Rochester with respect to matters that involve the purposes for which the Committee is established. No other powers or duties are hereby granted or implied.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF  
ROCHESTER, MINNESOTA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003.

\_\_\_\_\_  
PRESIDENT OF SAID COMMON COUNCIL

ATTEST: \_\_\_\_\_  
CITY CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003.

\_\_\_\_\_  
MAYOR OF SAID CITY

(Seal of the City of

12  
Date: October 30, 2003

To: Mayor Ardeell Brede

From: Chris Colby, Chair  
Rochester Historic Preservation Committee

RE: Rochester Historic Preservation Committee

Dear Ardeell,

In following prescribed guidelines used by other appointed boards and committees, the Rochester Historic Preservation Committee wishes to request action by the Rochester City Council on the following items:

- Appointment of the following three members as representatives of the Olmsted County History Center:
  - o Larry Gifford
  - o Sherry Sweetman
  - o Alan Calavano
- Appointment to a second 3-year term, retroactive to January of 2003, for the following members:
  - o Randy Staver
  - o Jeff Allman
  - o Richard Hanson
  - o Sherry Sweetman
- Appointment to a second 3-year term beginning January of 2004 for the following members:
  - o Chris Colby
  - o Lora Beaupre'
  - o David Petersen
  - o Allan Calavano
- Approval of a name change from Rochester Historic Preservation Committee to Rochester Heritage Preservation Committee. Over the past year there has been a great deal of discussion within our group regarding our mission and goals. Those goals include not only preservation of physical structures but also preservation of culture, style and a number of other historical elements. As we have researched other preservation committees with similar missions, we have determined that our group would be better served by a name that more closely aligns with our mission.

If you would care to discuss any of these items, please feel free to contact me at 288-6464. Our committee would otherwise look for the Council's support for these requests.

Sincerely,



Christopher W. Colby, AIA, Chair  
Rochester Heritage Preservation Committee

cc: All HPC Members

Enclosure: Mission Statement  
Roster of Members

**Rochester Heritage Preservation Committee**  
**Membership – 2003**  
**Updated 10/03**

<b>Name</b>	<b>Mailing Address / Telephone</b>	<b>E-mail Address</b>
Randy Staver	2707 Century Lane NE Rochester, MN 55906 266-7023 (w) / 288-9034 (h)	staver.randy@mayo.edu
Chris Colby – 2003 Chairman	1925 Baihly Estates Lane SW Rochester, MN 55902 ----- Yaggy Colby Associates 717 Third Avenue SE Rochester, MN 55904 288-6464 (w) / 280-8176 (h)	ccolby@yaggy.com
Tim Hornseth - Secretary	4425 Copperfield Lane NW Rochester, MN 55901 536-0394 (h)	tjhornseth@charter.net
Jeff Allman – 2003 Vice-chairman, 2004 Chairman elect.	Allman & Associates 323 South Broadway Rochester, MN 55904 282-9082 (w) / 287-0737 (h)	jallman@allmanassoc.com
Lora Beaupre' (Sam)	1104 6 <sup>th</sup> Street SW Rochester, MN 55902 288-3324 (h)	lorabeau@charter.net
Larry Gifford	317 6 <sup>th</sup> Avenue SW - #208 Rochester, MN 55902 288-6019 (h)	lgifford4@charter.net
Richard Hanson	1505 15 ½ Avenue NW Rochester, MN 55901 288-6611 (w) / 281-2971 (h)	Remodeling@hansonbuilder.com
David Petersen	958 28 <sup>th</sup> Street NW Rochester, MN 55901 281-3594 (h) / 288-8088 (w)	dpetersen34@holabird.com
Sylvie Nickel	125 11 <sup>th</sup> Avenue NW Rochester, MN 55901 289-3840 (h)	nickelsylv@aol.com
Sherry Sweetman	4414 Manchester Lane NW Rochester, MN 55901 ----- Olmsted County Historical Society 1195 West Circle Drive SW Rochester, MN 55902 282-9447 ext. 113 (w) / 282-3702 (h)	ochs@olmstedhistory.com sasweetman@charter.net
Alan Calavano	2015 11 <sup>th</sup> Street SW Rochester, MN 55902 282-4389 (h)	alcal@alum.mit.edu
Dave Pennington	2410 20 <sup>th</sup> Street NW Rochester, MN 55901 288-7855 (h)	dmpenn1@charter.net

14

***Rochester Heritage Preservation Committee  
Membership and Terms - 2003***

<b>Name</b>	<b>First Term Ends</b>	<b>Second Term Ends</b>
Randy Staver	12/31/2002	12/31/2005
Chris Colby – 2003 Chair	12/31/2003	12/31/2006
Tim Hornseth - Secretary	12/31/2004	12/31/2007
Jeff Allman – 2003 Vice-chair, Chair elect.	12/31/2002	12/31/2005
Lora Beaupre' (Sam)	12/31/2003	12/31/2006
Larry Gifford (OCHS)	12/31/2004	12/31/2007
Richard Hanson	12/31/2002	12/31/2005
David Petersen	12/31/2003	12/31/2006
Sylvie Nickel	12/31/2004	12/31/2007
Sherry Sweetman (OCHS)	12/31/2002	12/31/2005
Alan Calavano (OCHS)	12/31/2003	12/31/2006
Dave Pennington	12/31/2004	12/31/2007

The size of the committee will be limited to twelve (12) members.  
Members of the RHPC may serve two, 3-year terms.



## ***Heritage Preservation Committee - Rochester, MN***

### **Vision**

"Minnesota's historic and archaeological properties are among the state's most valuable resources. They reflect and illuminate the values of Minnesota's people. They are the physical evidence of the ways people have chosen to live, of our need for beautiful objects as well as functional structures. The presence of historic properties, which display various styles, different historic periods and the contributions of diverse groups of people, adds diversity and richness to our urban and rural landscape."

**Preserving Minnesota: Planning for Historic Properties into a New Century (1991)**

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### **Mission**

The mission of the Rochester Heritage Preservation Committee is to foster among people an awareness of Rochester history so that they may draw strength and perspective from the past and find purpose for the future.

The mission is carried out by:

- advocating sensitive and adaptive use of architectural structures in a way that preserves the historic legacy of Rochester; and
- encouraging collecting and caring for a variety of materials that document human life in Rochester, making them known and accessible to people in Rochester and beyond.

16

## ***Heritage Preservation Committee - Rochester, MN***

### **Goals**

1. Increase community awareness of the value of Rochester's cultural resources.
  - Increase visibility of historic preservation by such means as National Historic Preservation Week and other communications.
  - Develop and promote programs regarding preservation education for audiences including local elected officials, people in the building trades, property owners and students.
  - Strengthen the historic preservation ethic in the community through interpretive programs.
2. Encourage integration of historic preservation at all levels of planning.
  - Work with local planning officials to address historic preservation concerns throughout the course of their work via consultations, conferences, and committee representation.
  - Consider establishing a local ordinance to define a role for historic preservation in project planning.
3. Promote historic preservation as an economic development tool and provide economic incentives that encourage it.
  - Gather and disseminate information about the cultural and economic benefits of historic preservation, featuring successful cases.
  - Promote the use of existing incentive programs such as federal investment tax credits and façade easements.
  - Gather and disseminate information about sources of grant funds for historic preservation projects.
  - Support efforts to establish tax incentives at the local level for preservation projects.

## Goals

4. Identify, evaluate and designate significant historic resources.
  - Conduct surveys and catalog local historic properties and designate to local, state and national registers.
5. Encourage appropriate management and treatment of historic resources.
  - Identify new uses for vacant or underused resources; explore the preservation potential for threatened resources within a realistic community and economic context.
  - Provide information and access to technical information and assistance in caring for structural and archaeological properties.
6. Expand the network of organizations and individuals engaged in historic preservation.
  - Develop information and programs for owners of historic properties to increase their participation in the preservation community.
  - Use technology to improve communication among organizations and individuals interested in historic preservation.
  - As the approved organization for Rochester Heritage Preservation, consider participation in the Certified Local Government program sponsored through the State Historic Preservation Office.



## REQUEST FOR COUNCIL ACTION

MEETING

DATE: 12/15/03

19-

**AGENDA SECTION:**

Consent Agenda

**ORIGINATING DEPT:**

City Administrator

**ITEM NO.**

D-4

**ITEM DESCRIPTION** Extension of Professional Services Agreement between the City of Rochester and Affordable Housing Connections for compliance monitoring of the Housing Tax Credit Projects**PREPARED BY:**

T. Spaeth

There is presently a Professional Agreement between the City of Rochester and Affordable Housing Connections (formerly Multi-Mac) for compliance monitoring of the housing tax credit projects in Rochester. The existing agreement will expire on December 31, 2003.

A new Agreement for 2004 has been prepared. This arrangement has worked out well, and staff is seeking Council approval for execution. The compensation paid to the contractor (Affordable Housing Connections) is paid solely by the project owners, and the City has no liability for such payment.

**COUNCIL ACTION REQUESTED:**

Motion by Council for Mayor and City Clerk authorization to execute the Professional Services agreement with Affordable Housing Connections.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_



## REQUEST FOR COUNCIL ACTION

MEETING

DATE: 12/15/03

21 ✓

<b>AGENDA SECTION:</b> CONSENT AGENDA	<b>ORIGINATING DEPT:</b> CITY CLERK	<b>ITEM NO.</b> D-5
<b>ITEM DESCRIPTION: ON SALE WINE &amp; 3.2% MALT LIQUOR LICENSE FOR CHIPOTLE MEXICAN GRILL OF COLORADO LLC</b>		<b>PREPARED BY:</b> DONNA J SCHOTT

Application has been received from Chipotle Mexican Grill of Colorado LLC for an On Sale Wine and 3.2% Malt Liquor License to be located at 3780 Marketplace Dr NW Suite 100, Rochester, Mn. 55901.

Approval of the license would be pending the required fees, insurance certificates and all departmental approvals. A confidential investigative report has been returned satisfactorily. Opening the restaurant is scheduled for early in 2004.

### COUNCIL ACTION REQUESTED

A motion to approve the On Sale Wine and 3.2% malt Liquor License for Chipotle Mexican Grill of Colorado LLC to be located at 3780 Marketplace Dr NW.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

22



## REQUEST FOR COUNCIL ACTION

MEETING

DATE: 12/15/03

23

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: CITY CLERK	ITEM NO. D-6
ITEM DESCRIPTION: LICENSES, BONDS & MISCELLANEOUS ACTIVITIES		PREPARED BY: DONNA J SCHOTT

The following licenses, bonds and miscellaneous activities are submitted for the Council's approvals or disapprovals. All are pending departmental approvals, the required insurance, bonds, fees and all outstanding debts with the City of Rochester.

### BEER – 3.2% TEMPORARY ON SALE

Church of St. Pius X  
1315 12<sup>th</sup> Ave NW  
Rochester, Mn. 55901  
Annual Polka Mass & Dance 2/7/04

### DANCE – TEMPORARY

Church of St. Pius X  
1315 12<sup>th</sup> Ave NW  
Rochester, Mn. 55901  
Annual Polka Mass & Dance 2/7/04

### FIREWORKS DISPLAY

Res Specialty Pyrotechnics  
21595 286<sup>th</sup> St  
Belle Plaine, Mn. 56011  
Fireworks for Sesquicentennial Celebration Kick-off 1/4/04 2:00 PM to 4:00 PM  
Mayo Civic Center  
30 Civic Center Dr SE

### GAMBLING – TEMPORARY

Rochester Archery Club  
5510 Hwy 63 North  
Rochester, Mn. 55906  
Raffle 1/31/04 AT  
Knights of Columbus  
2030 Hwy 14 E  
Rochester, Mn. 55904

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to:

24

**LICENSES, BONDS AND MISCELLANEOUS CITY ACTIVITIES**

**PAGE 2**

**DECEMBER 15, 2003**

Ronald McDonald House  
850 2<sup>nd</sup> St SW  
Rochester, Mn. 55902  
Raffle 2/7/04 AT  
Rochester Golf & Country Club  
3100 Country Club Rd W  
Rochester, Mn. 5590

Ronald McDonald House  
850 2<sup>nd</sup> St SW  
Rochester, Mn. 55902  
Raffle 2/8/04 AT  
RCTC Heintz Center  
1926 Collegeview Rd SE  
Rochester, Mn. 55904

Senior Citizens Service Inc.  
121 N. Bdwy  
Rochester, Mn. 55906  
Raffle 3/27/04

**GAMBLING – PREMISE RENEWALS**

Rochester Juvenile hockey Association  
2625 Hwy 14 W Suite AB  
Rochester, Mn. 55902

**PREMISES AT:**

**\*\*North Star Bar**  
503 N Bdwy  
**\*\*CJ'S Midtown Lounge**  
8 S Bdwy  
**\*\*Holiday Inn South**  
1630 S Bdwy  
**\*\*Bon's Sports Bar & Grill**  
1652 Hillcrest Shopping Center

Olmsted County Hockey Association  
PO Box 476  
Rochester, Mn. 55903

**PREMISES AT:**

The Sandtrap  
3342 19<sup>th</sup> St NW  
Rochester, Mn. 55901

**LICENSES, BONDS AND MISCELLANEOUS CITY ACTIVITIES**

**PAGE 3**

**DECEMBER 15, 2003**

25 /

Dover Fire Relief Association

323 E Eyota PO Box 65

Dover, Mn. 55929

**PREMISES AT:**

**\*\*Aviary Restaurant**

4320 Hwy 52 North

**\*\*Crown Restaurant & Lounge**

1408 2<sup>nd</sup> St SW

**\*\*Shady Hill Grill**

401 6<sup>th</sup> St SW

**\*\*Best Western Apache (Rookies Bar & Grill)**

1517 16<sup>th</sup> St SW

**SEWER & DRAIN**

Mr. Rooter

303 West Ave

Zumbrota, Mn. 55992

**JANUARY 1, 2004 LICENSES RENEWALS**

Bus	1
Chickens	2
Golf Carts	2
Heating	115
Master Installer	181
Pawnshops	3
Pigeons	4
Public Transportation	2
Sewer	69
Sidewalks – Cement	97
Sidewalks – Asphalt	11
Signs	39
Taxicabs	1
Telecommunications	12
Theatres	3

**COUNCIL ACTION REQUESTED**

A motion to approve the above new and renewal licenses, bonds and miscellaneous city activities.



## REQUEST FOR COUNCIL ACTION

MEETING

DATE: 12/15/03

21✓

**AGENDA SECTION:**  
Consent Agenda**ORIGINATING DEPT:**  
Finance Department**ITEM NO.**

D-7

**ITEM DESCRIPTION:**  
Approval of Accounts Payable**PREPARED BY:**  
Dale Martinson

Respectfully request a motion to approve the following cash disbursements:

Investment purchases of       \$8,741,686.84

Accounts payable of           \$9,626,127.67

Total disbursements         \$18,367,814.51

(Detailed listing of disbursements submitted separately.)

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to:

28

## REQUEST FOR COUNCIL ACTION

MEETING

DATE: \_\_\_\_\_

29

**AGENDA SECTION:**

Consent Agenda/Organizational Business

**ORIGINATING DEPT:**

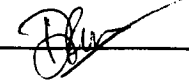
Finance Department

**ITEM NO.**

D-8

**ITEM DESCRIPTION:** Authorize City to join in the State of Minnesota's negotiated Enterprise Licensing Agreement with Microsoft Corporation to obtain discounted pricing on software.

**PREPARED BY:**  
Dale Martinson



The City, as a political subdivision, is able to join onto the State of Minnesota's negotiated pricing contract for Microsoft software products. We are requesting authorization to sign these six-year contract agreements that allow maintenance and support of Microsoft products for all of the City's computers and servers plus allow us to upgrade the entire inventory to the latest versions whenever it best meets the City's needs at no additional cost.

In the past, the City has purchase operating system software and office system software as part of new computer purchases. Eventually we end up with multiple versions of the software on various machines throughout the City. In order to reduce the support nightmare of that arrangement, we would periodically purchase "upgrade licenses" to get all machines up to the same versions again. Microsoft is no longer providing the lower cost upgrade licenses and the price of this base software when purchased with new personal computers (PC's) has just increase by \$100 each.

The attached memo by Information Systems Manager, Teryl Apel, provides cost analysis and justification for moving to this method of providing for the City's base software needs. Funding for this software would be the same as under the current method of software maintenance and upgrades: the Information Technology Revolving Fund would provide the monies for the contract payment. Those costs are then charged back each year to the various operating departments, allocated based upon the number of computers supported in each department.

**RECOMMENDATION:**

Authorize execution of State of Minnesota's Enterprise Licensing Agreement with Microsoft Corporation to provide the City discounted pricing on Microsoft software products.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

30

## INFORMATION SYSTEMS MEMORANDUM

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**DATE:** December 8, 2003

**FROM:** Teryl Apel, Information Systems *TA*

**SUBJECT:** Microsoft Licensing

The City currently has the opportunity to purchase Microsoft licenses off the State's enterprise license agreement. This agreement spreads the purchase price, plus maintenance costs, over a six year period. The annual cost to the City would be approximately \$76,000. No additional upgrade fees would be charged over the course of the six years.

In the past the City has purchased new licenses with each new PC purchased and whenever it was decided to bring all PCs up to date upgrade licenses were purchased to cover all PCs currently not at the desired level. Microsoft has discontinued the lower priced upgrade licenses and now requires either a maintenance contract or repurchase at the full price. It is also worth noting that the cost of the license when purchased with a new PC increased in cost by \$100 earlier this year.

In an attempt to compare the costs of the current processes versus the cost of entering into the enterprise license agreement one assumption needs to be made. That is that the City would perform two upgrade rollouts over the course of the next six years. This is a fairly safe assumption as the last rollout occurred three years ago and we're currently at a point where another rollout is needed.

Basing PC replacement on a five year cycle with 360 PCs, the annual number of PCs replaced would be 72. The current cost of Office, when purchased with a new PC, is \$300. Annual cost of \$21,000.

Performing two Office upgrades over six years and assuming 3/5's of the PCs (216 PCs) need to be upgraded each time at a cost of \$450/PC per upgrade would equal a total upgrade cost of \$194,400. Divide this by six for an annual cost of \$32,400.

Performing two server license upgrades, including user access license costs, over six years at a cost of \$59,000 per upgrade equals \$118,000. Divide this by six for an annual cost of \$19,667.

The annual cost of the current process would be \$73,067. Add in the cost of the few additional products we've included in the enterprise agreement and the costs are very close. We would also



be eligible for a \$38,000 rebate that is currently being offered, which would actually make the enterprise license agreement option the less expensive alternative.

The two main factors that make our current practices no longer as attractive are:

- 1) The increased price of Office when purchasing a new PC (\$200 to \$300).
- 2) The elimination of the Office upgrade license, requiring purchase of the upgrade at full price (approximately \$200/PC increase).

Additional benefits under the enterprise agreement are better software support, upgrades can be performed when needed, ability of staff to use the Office product on home PCs at no additional charge, allows for easier product testing prior to distribution, and the elimination of most of the time currently spent with license tracking issues.

32

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## REQUEST FOR COUNCIL ACTION

MEETING

DATE: 12-15-03 33

AGENDA SECTION:

ORIGINATING DEPT:

Fire

ITEM NO.

D-9

ITEM DESCRIPTION:

HAZ MAT GRANT

PREPARED BY:

DC SLAVIN

The Fire Department would like to apply for a hazardous materials grant thru Homeland Security for equipment, exercise, and training in the amount of \$54,923.00. There will be no match needed from the City of Rochester.

### **COUNCIL ACTION REQUESTED**

Council authorize Mayor to sign a 2003 Federal Homeland Security Part 1 Equipment/Exercise/Training Grant for the amount of \$54,923.00

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

24

## REQUEST FOR COUNCIL ACTION

MEETING

DATE: 12/15/03

35

<b>AGENDA SECTION:</b> Consent	<b>ORIGINATING DEPT:</b> Human Resources	<b>ITEM NO.</b> D-10
<b>ITEM DESCRIPTION:</b> Wage Recommendation for 2004 - Non-Exempt, Non-Contract Employees		<b>PREPARED BY:</b> Linda Gilsrud
<p>Non-exempt, non-contract employees are eligible for an annual pay adjustment on 1/8/04 (beginning of first pay period in 2004). Employees paid according to the non-exempt, non-contract step schedule would have their pay rates and the step schedule adjusted by 3%. Such an increase would be similar to wage adjustments for all the collective bargaining agreements negotiated for 2004, including many comparable pay equity positions. The step schedule will change from five steps to maximum to four steps to maximum on 1/8/04. The change in pay steps to maximum is to ensure compliance with Minnesota pay equity reporting. Job titles include:</p> <p>Accounting Clerk (RPD) Clerk Typist (RFD) Human Resources Aide (Human Resources) Legal Technician (City Attorney's Office) Prosecution Assistant (City Attorney's Office) Secretary (City Administrator, RPD, RFD) Senior Clerk Typists assigned to the RPD Senior Clerk Typist/Legal Word Processor (City Attorney's Office)</p> <p>Non-exempt, non-contract employees listed below who are not paid according to a step schedule would be granted a 3% base rate adjustment effective 1/8/04. Such an increase would be similar to wage adjustments for many of the collective bargaining agreements negotiated for 2004, including many comparable pay equity positions. Fleet Mechanics in RPD will be eligible for a \$375 lump sum tool allowance to be paid after the last pay date in 2004 to be used to replace tools which need to be replaced or have been lost, misplaced, or broken while being used in a work-related assignment.</p> <p>Animal Control Officer (RPD) Assistant to General Manager (RPU) Associate Engineering Technician, Drafter (RPU) Building Maintenance Worker (City Hall and Library) Building Maintenance Worker 3 (Library) Civilian Evidence Coordinator (RPD) Custodian (City Hall and Library) Engineering Technician, Senior (RPU) Fleet Mechanic (RPD) Parking Meter Worker (Public Works) Parking Technician (Public Works) Records/Drafting Technician (RPU) Street Maintenance Aide (Public Works) Traffic Aide (Public Works)</p> <p><b><u>Council Action Requested:</u></b> Resolution to grant a general wage increase effective 1/8/04 to non exempt, non-contract employees</p>		



## REQUEST FOR COUNCIL ACTION

MEETING  
DATE: 12/15/03

37

AGENDA SECTION: Consent	ORIGINATING DEPT: Human Resources	ITEM NO. D-11
ITEM DESCRIPTION: Labor Agreement for 2004 - IATSE		PREPARED BY: Linda Gilsrud

A one-year agreement has been reached between the City of Rochester and the International Alliance of Theatrical Stage Employees, Moving Pictures Technicians, Artists, and Allied Crafts, Local #416 (IATSE) bargaining group for 2004.

Pay rates were established

1. Probationary and apprentice stagehands will receive no increase in pay.
2. Journeyman stagehands will receive 25 cents/hour increase effective 1/8/2004 (beginning of first pay period in 2004).

Article 10. NO STRIKE will be updated to include a reference to Minnesota Statute 179.18 rather than Minnesota Statute 179.64 .

### Changes to Exhibit 1.

The employee designated as "runner" will receive his/her assigned rate of pay, not the apprentice stagehand rate as stated in the 2001-2003 agreement.

The following language will be deleted from the Exhibit 1 of the Agreement: After completion of eighty (80) hours worked with the City of Rochester as a stagehand at the probationary/apprentice rate individuals would be paid at the journeyman rate.

Movement to the apprentice and/or journeyman rate of pay will be governed by language in Article 6.  
APPRENTICE AND PROBATIONARY PERIOD.

The agreement shall be in effect from January 1, 2004 and shall remain in effect until December 31, 2004.

### Council Action Requested:

Resolution authorizing the Mayor and City Clerk to sign the agreement

25



# REQUEST FOR COUNCIL ACTION

MEETING

DATE:

39  
12/15/03

<b>AGENDA SECTION:</b> CONSENT AGENDA	<b>ORIGINATING DEPT:</b> Public Works	<b>ITEM NO.</b> D-12
<b>ITEM DESCRIPTION:</b> Water Reclamation Plant Task Order No. 2 and Task Order No. 3 (J-4390)		<b>PREPARED BY:</b> R. Freese <i>RF</i>

The Water Reclamation Plant (WRP) is approaching its design capacity and because of the continuing growth in the City an expansion of the plant will be required during the next three years. An application for the renewal of the plant's NPDES permit has been submitted to the Minnesota Pollution Control Agency and requirements of the permit are currently being negotiated. The Permit Application includes information regarding projected growth of the City and the need for an expansion of the WRP from its current capacity of 18.5 MGD (million gallons per day) to 25.5 MGD (2025 capacity) and planning for a future 40.0 MGD plant (2055 capacity). Additional site planning has been completed that will facilitate additional expansion of the plant to an ultimate capacity of 60 MGD to serve an estimated population of 300,000.

During the months of October and November 2003 the WRP experienced organic loadings (BOD) in excess of the plant's rated maximum month capacity. Through careful operational controls the staff was able to produce an effluent that meet National Pollution Discharge Elimination System (NPDES) Permit Limits. No Permit violations occurred in either of these two months. Loadings for the month of December 2003 have returned to seasonal norms. With the continued growth in the production of Rochester's manufacturing facilities and the unprecedented residential housing growth in Rochester, the daily and monthly wastewater flows and loads to the WRP have increased to near Permit levels.

It is imperative that the design and construction of WRP expansion (10-year growth period) continue at an accelerated schedule. Violation of the WRP's NPDES Discharge Permit will force MPCA to invoke sewer extension and sewer connection moratoriums. If moratoriums were imposed, then all new residential, commercial, and manufacturing growth would be stopped until the proposed 24 month long WRP expansion was completed in late 2006.

Public Works staff and the WRP Expansion Project consultants have prepared the attached Project Schedule. Please note that in order for this schedule to be met, the City Council Authorization to proceed with Final Design is need by 1/27/04. Geotechnical Investigation (Task Order No. 2) and Initial Final Design (Task Order No. 3) will need to be completed in the next 6 weeks prior to 1/27/04 to maintain this schedule.

Task Order No. 2 involves site survey and fieldwork, soil and rock borings, laboratory analysis of the soil and rock samples and preparation of technical reports used as the basis for the design of the footings and foundations for the new facilities. Estimated costs for this Task shall not exceed \$78,000.

Task Order No. 3 involves initial structure design based on the Geotechnical Investigation, developing initial HVAC design guidelines and criteria, development of initial mechanical systems design guidelines, preparation of initial process instrumentation and control drawings, develop architectural schematic drawings for building roof and wall systems, update plant hydraulics based on implementation of Value Engineering recommendations. Estimated costs for this Task shall not exceed \$265,000.

## COUNCIL ACTION REQUESTED:

Authorize the Mayor and City Clerk to execute Task Order No. 2 and Task Order No. 3 necessary for the next stages of the WRP Expansion Project (J-4390).

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_



MEMORANDUM

CH2MHILL

## Rochester, MN WRP 2004 Plant Upgrade and Expansion Schedule

TO: Lyle Zimmerman  
Richard Freese

COPIES: John Glatzmaier/CH2M HILL  
David Gee/CH2M HILL  
Lesile Knapp/EARTHTECH

FROM: Kim Erickson/CH2M HILL

DATE: December 8, 2003

The following project schedule was outlined in our Meeting on Dec. 4<sup>th</sup>.

Construction Contract	Project Activity	Date
Site Work	1 <sup>st</sup> Construction Advertisement	May 7, 2004
	Bid Documents Available	May 17, 2004
	Open Bids	June 18, 2004
	Notice of Contract Award	June 29, 2004
	Notice To Proceed	July 12, 2004
	Contract Completion	September 10, 2004
Plant Upgrade & Expansion	1 <sup>st</sup> Construction Advertisement	July 2, 2004
	Bid Documents Available	July 13, 2004
	Open Bids	August 18, 2004
	Notice of Contract Award	August 31, 2004
	Notice To Proceed	September 18, 2004
	Substantial Completion	September 13, 2006
	Contract Completion	December 20, 2006

The above schedule is based on Authorization for final design on January 27, 2004.

# REQUEST FOR COUNCIL ACTION

MEETING

DATE: 12/15/03

41

<b>AGENDA SECTION:</b> CONSENT AGENDA	<b>ORIGINATING DEPT:</b> Public Works	<b>ITEM NO.</b> D-13
<b>ITEM DESCRIPTION:</b> Sewer Utility Rate Study Professional Services Agreement J-4394		<b>PREPARED BY:</b> R. Freese Rsf

In October 1997 the City Council received a report on the results of the sewer rate study conducted by Brown and Caldwell. Subsequently the City Council adopted a Resolution that established sewer rates for the period 1998-2002. The enacted sewer rate increase provided a moderate, yet uniform revenue increase of 2.5% per year over the 5-year period. On June 17, 2003 the City Council approved a Resolution increasing the Sewer Utility Rates by 2.5% for 2003. No Sewer Utility Rate increase is in place for 2004. A sewer service charge system is established by City Ordinance whereby revenue will be collected from the users of the wastewater facilities to pay the cost incurred by the city for administration, operation and maintenance, replacement and debt service of such facilities.

As a result of the preliminary facility planning, preliminary engineering and Value Engineering session, we now have specific information regarding the costs of construction and operation of the Water Reclamation Plant.

Public Works and Finance Department staff have reviewed a professional services agreement proposal from Brown and Caldwell to update the Sewer Utility Rate model they prepared for the city in 1997. The Study will cost \$65,118 and will establish rates for the period 2004-2008. The Sewer Utility Rate Study process evaluates previous operating expenses and system use to establish a base year. Projections on residential and non-residential growth are factored into the model based on data provided by the Rochester Olmsted Planning Department. Capital and operating budget expenditures are also incorporated into the analysis.

Sewer rates are developed based on a methodology commonly referred to as "cost of service". The Sewer Utility's operation, maintenance, replacement and capital costs are allocated to the following treatment parameters: customer, flow, BOD, TSS, and phosphorous. The annual cost for each parameter is divided by the estimated number of units of treatment to derive the unit cost of service for each parameter. Each and every customer pays the same UNIT COST OF SERVICE for each treatment parameter.

All residential and most commercial customers pay for domestic strength wastewater. The number of CCF (100 cubic feet; 748 cubic feet equals 1,000 gallons) contributed to the collection and treatment system determines each customer's monthly bill. Industrial customers pay the same rates as residential and commercial customers, but their wastewater is typically of higher BOD and TSS strength and they pay a surcharge for strengths exceeding domestic strength wastewater.

The proposed WRP expansion cost is estimated at approximately \$44M, the cost of upgrades/replacements to the existing plant is estimated at \$25M. The capital (and bond interest) costs of the upgrades/replacements to the existing plant will be a cost recovered through increased sewer rates. The capital (and bond interest) cost of expansion of the WRP can be recovered through increased sewer rates, or as a Connection Charge collected from new development at the time of connection, or some combination of the two methods. The Sewer Utility Rate Study will analyze the Incremental Growth-Related Cost Method for establishing Connection Charges.

A preliminary report on sewer rate impacts of the WRP expansion and upgrade projects will be provide to the City Council at a Committee of the Whole Meeting on 1/26/04.

## **COUNCIL ACTION REQUESTED:**

Authorize the Mayor and City Clerk to execute a Professional Services Agreement with Brown and Caldwell for a Sewer Utility Rate Study, J-4394.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

27

# REQUEST FOR COUNCIL ACTION

**43** MEETING DATE: 12-15-03

AGENDA SECTION: CONSENT AGENDA		ORIGINATING DEPT: PUBLIC WORKS	ITEM NO. <b>D-14</b>
ITEM	ROCHESTER CITY LINES CONTRACT FOR 2004		PREPARED BY: A KNAUER <i>AK</i>

This is a recommendation to approve the 2004 operations contract with Rochester City Lines.

This contract provides funding for the regular route deficit. The contract maximum is \$1,449,876 based on the estimated deficit. (Expenses less revenues.) This compares to a contract maximum of \$1,431,411 as amended for 2003. The 2004 contract includes increases for wages and fuel costs. Most of cost increase will be offset by a fare increase approved by Council and effective 12/01/2003. The contract provides reimbursement for actual expenses less revenues. Some expenses are allocated based on hours or miles of operations. The contract is subject to the City receiving State and federal funds and subject to an annual audit. The contract runs from 1/1/2004 through 12/31/2004.

## **REQUESTED COUNCIL ACTION**

Adopt the prepared resolution approving the following contract the 2004 contract with Rochester City Lines in the maximum amount of \$1,449,876.

## **REQUESTED COUNCIL ACTION**

Adopt the prepared resolution

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

7

# REQUEST FOR COUNCIL ACTION

15 MEETING 12-15-03 /  
DATE:

AGENDA SECTION:		ORIGINATING DEPT:	ITEM NO.
CONSENT AGENDA		PUBLIC WORKS	D-15
ITEM DESCRIPTION:	ZIPS BUS OPERATING POLICIES AND GUIDELINES, REVISED MANUAL		PREPARED BY: S. BEECHAM <i>wk</i>

ZIPS Dial-A-Ride is a public transportation service utilized by eligible disabled and elderly citizens, many of whom are otherwise considered vulnerable adults, and who are not able to negotiate the regular public transit system. For the protection of the ZIPS staff, drivers, and passengers, operating policies and guidelines are published to inform any concerned persons.

On March 19, 2003, the Citizen's Advisory on Transit committee approved several revisions and updates to the ZIPS Dial-A-Ride operating policies manual. At this time, adoption of the following revisions and updates to ZIPS operating policies and guidelines is requested.

1. Further defined eligibility for persons with temporary disabilities.
2. Clarification of the appeals process for applicants who have been determined ineligible.
3. Incorporated changes to fares and service hours.
4. Clarification of reservation procedures and the amount of time buses will wait for passengers.
5. Further defined ZIPS' appeals process for reinstatement of eligibility for passengers whose eligibility has been terminated due to threatening or irresponsible behavior.
6. Definition of a turndown as denial of service or not being able to meet a passenger's request.
7. Outline of driver offenses that would disqualify a driver from further ZIPS bus operation.
8. Summary of Minnesota Statute 13.89, Government Data Practices, which outlines the rights of passengers who are subjects of the government regarding dissemination of the information collected about them to the public, or other protection and/or advocacy systems.

The manual will be printed and distributed to all ZIPS Dial-A-Ride managers, drivers, dispatchers, and other associated staff. ZIPS passengers may also request a copy at any time. Copies are made available to the public, upon request, by the Department of Public Works.

The updates and revisions were made largely to coincide with changes to and updates in State and Federal regulations regarding transportation services for persons with disabilities.

## REQUESTED COUNCIL ACTION

Adopt the revisions, approved by the Citizen's Advisory on Transit committee on March 19, 2003, to the "Operating Policies and Guidelines for ZIPS Dial-A-Ride" manual.

COUNCIL ACTION: Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to:

2/7



# REQUEST FOR COUNCIL ACTION

MEETING

47

DATE:

12/15/03

**AGENDA SECTION:**

CONSENT AGENDA

**ORIGINATING DEPT:**

Public Works

**ITEM NO.**

D-16

**ITEM DESCRIPTION:** STORMWATER MANAGEMENT AGREEMENTS**PREPARED BY:**

M. Baker

The Department of Public Works has received a request for three (3) properties, to participate in the City's Storm Water Management Plan, which requires payment of a Storm Water Management charge:

- Rochester Fuel Injection (SDP#03-78) \$ 1,759.36
- RE/MAX of Rochester Building Addition (SDP#03-72) \$ 531.26
- The Amish Store Building Expansion (SDP#03-68) \$ 1,641.12

The Owners have already provided payment for their respective charges. These funds will be deposited upon acceptance by the Council.

**COUNCIL ACTION REQUESTED:**

Adopt a Resolution accepting payment by the above noted properties, of their applicable Storm Water Management charges.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

52

# REQUEST FOR COUNCIL ACTION

MEETING

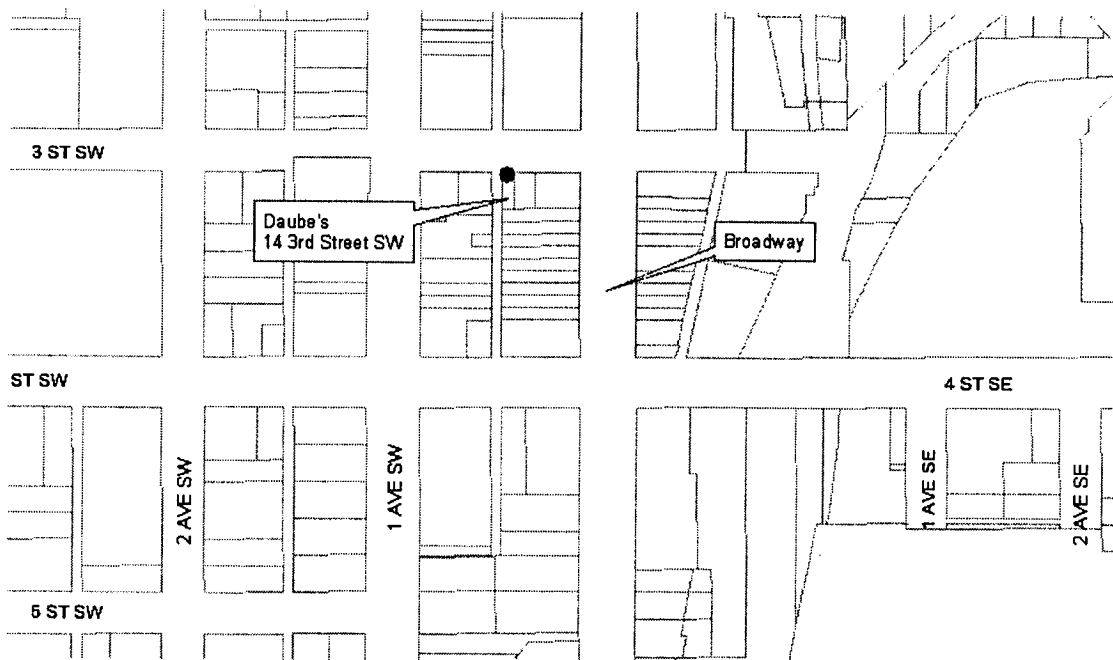
DATE: 12/15/03

49

**AGENDA SECTION:**  
CONSENT AGENDA**ORIGINATING DEPT:**  
Public Works**ITEM NO.**  
D-17**ITEM DESCRIPTION:** Revocable Permit: Daube's Bakery – 14 3<sup>rd</sup> Street SW**PREPARED BY:**  
M. Nigbur

Daube's Bakery, the Owners of a part of Lot 5 Block 10 Moe and Olds addition (along historic 3<sup>rd</sup> Street) have requested the City issue a revocable permit for the placement of sign overhanging a small portion of the right of way of 3<sup>rd</sup> Street SW. The sign is proposed to be 18" by 18" and located 10' above the sidewalk surface.

Staff has reviewed the request and would recommend in favor of granting a Revocable Permit. The owners must execute the Revocable Permit, which includes the standard language for revocation and liability protection for the City.



## COUNCIL ACTION REQUESTED:

Authorize the Mayor and City Clerk to execute the revocable permit with Daube's Bakery located on the West 22 feet of Lot 5 Block 10 Moe and Olds Addition.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

25

# REQUEST FOR COUNCIL ACTION

MEETING

DATE: 12/15/03

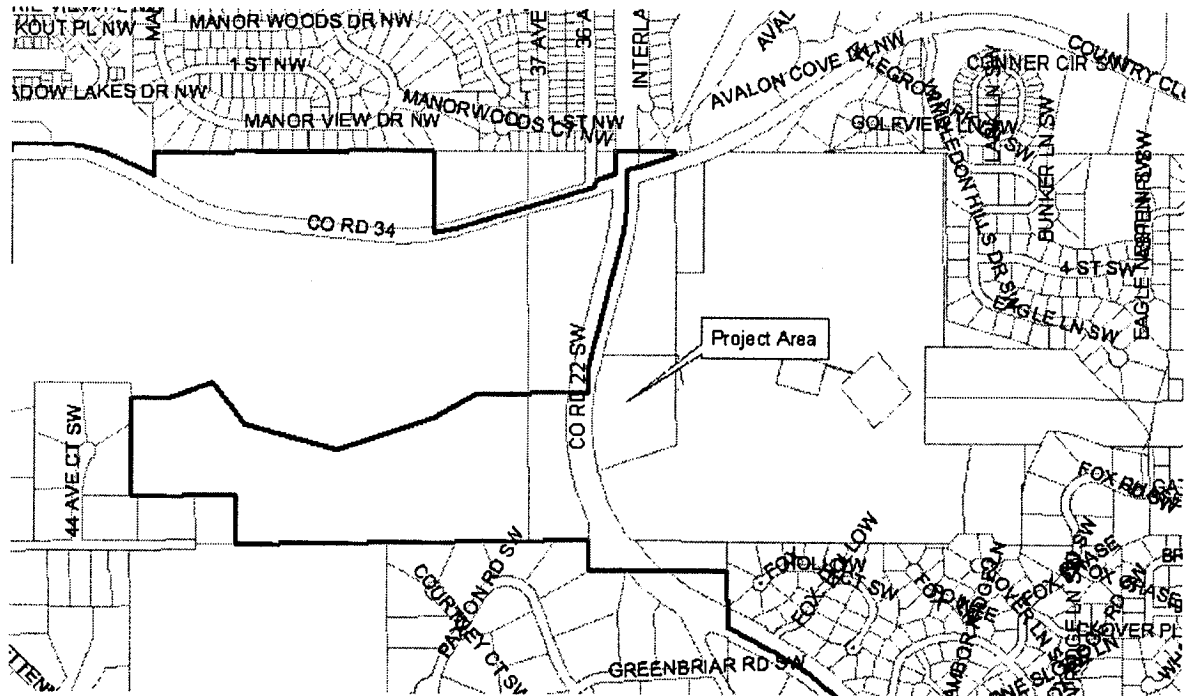
51

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-18
ITEM DESCRIPTION: Real Estate – Agreement release for flood control filling activities, Fairway Ridge.	PREPARED BY: M. Nigbur	

The Fairway Ridge property is currently encumbered by an easement agreement and a contribution agreement associated with filling on the property resulting from the City's flood control project. The two agreements essentially requires the City to provide fill from the Flood Control Project and require the Owner to pay for the fill material provided by the City.

The current owner, Silvercrest Properties, is proceeding through the development process for the property and has requested the City to execute a release for these two documents to clear title to the land. The work outlined in the agreements have previously been completed and the City has been paid for the fill material as outlined.

Staff has reviewed the agreements and would recommend in favor of the Owner's request to execute the release document.



## COUNCIL ACTION REQUESTED:

Authorize the Mayor and City Clerk to execute the Release of Easement and Agreement document.

COUNCIL ACTION: Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to:



# REQUEST FOR COUNCIL ACTION

53

MEETING DATE: 12-15-03

<b>AGENDA SECTION:</b> CONSENT AGENDA		<b>ORIGINATING DEPT:</b> PUBLIC WORKS	<b>ITEM NO.</b> D-19
<b>ITEM</b>	AGREEMENT FOR PARK & RIDE LOT/ BETHEL LUTHERAN CHURCH		<b>PREPARED BY:</b> A KNAUER <i>AK</i>

This is a recommendation to renew an agreement with Bethel Lutheran Church at 810 3<sup>rd</sup> Avenue SE to use their west parking lot for the period 1/1/2004 through 12/31/2004 for a park and ride facility.

Under the agreement Bethel provides up to 97 spaces for persons to park and ride the City bus into the downtown. The lot owner is paid for spaces sold on a basis of \$10.00 per space up to 85 spaces. (The last 12 spaces are free to the program.) The spaces are available Monday through Friday, 6:00 a.m. until 6:00 p.m. The agreement can be terminated by either party with 30 days notice.

## REQUESTED COUNCIL ACTION

Adopt the prepared resolution approving an agreement with Bethel Lutheran to establish a park and ride during 2004 in the 800 block of 3<sup>rd</sup> Avenue SE.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

SA



## REQUEST FOR COUNCIL ACTION



MEETING  
DATE:

12-15-03 /

<b>AGENDA SECTION:</b> CONSENT AGENDA		<b>ORIGINATING DEPT:</b> PUBLIC WORKS	<b>ITEM NO.</b> D.20
<b>ITEM</b>	EXTENSION OF ZIPS DIAL-A-RIDE CONTRACT FOR 2004		<b>PREPARED BY:</b> A KNAUER

The bid was awarded to Rochester Transportation Systems Inc. (RTS ) for operation of ZIPS Dial-A-Ride for 2001 and 2002. The contract provides for the negotiation of 3 annual extensions for a total contract period of 5 years. The annual rate of increase is not to exceed the Consumer Price Index for the period.

Staff is recommending extension of the contract with RTS for 2004. RTS has provided good service and has been responsive to any concerns. The current per vehicle hourly rate is \$34.68. For 2004 RTS has agreed to a maximum increase of 1.8%, or less if the final percent change in CPI for 2003 is lower. The percent increase in CPI based on the Minneapolis index is 1.3% for the first 6 months of 2003. The average percent increase in CPI for all U.S cities for 10 months (through October) is 1.8%.

In conjunction with the contract extension the original contract specifications apply as well as the following amendments also included in the 2003 contract extension;

Section III. B. Drivers Wages and Benefits – the minimum hourly wages will be adjusted per CPI rounded to the nearest 5 cents.

Section III. F. Insurance-physical damage minimums for City owned vehicles will be adjusted per a straight line depreciation calculated by the City.

Section XIV. Option for Grouped Taxi Rides- this was amended to include van services at the option of the City based on a per vehicle hour rate of \$24.00. In addition RTS will subcontract for wheelchair van services as requested by the City.

All other existing contract provisions and service specifications apply.

### REQUESTED COUNCIL ACTION

Adopt the prepared resolution approving extension of the City/ RTS contract for 2004 at a per vehicle hourly rate of \$35.30 based on an increase of 1.8%, and subject to such rate of increase not exceeding the final CPI percent change for 2003, and including the original 2001-2002 specifications with amendments documented in the 2003 contract extension.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by:  
to:

52

# REQUEST FOR COUNCIL ACTION

MEETING  
DATE : 12/15/2003

51

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: Water Reclamation Plant	ITEM NO: <u>D-21</u>
ITEM DESCRIPTION: Control System Update - Change Order No. 2 Integrated Technology		PREPARED BY: <u>Lyle J. Zimmerman</u>

The computer control system at the Water Reclamation Plant has been replaced and the software development has been completed. In September 2000 the City of Rochester contracted with Integrated Technology of Rochester, Minnesota to provide the engineering services required to design the project, provide inspection field services during the construction phase of the project, and to complete the software development specific to the Water Reclamation Plant. This work is beginning provided under a time and materials type contract.

The scope of work increased during the construction and software development phases of the project due to the unforeseen complexity of the work, changes requested by the Water Reclamation Plant, and changes required in areas of the plant not covered by the original contract. In addition, inadequate documentation of the existing system increased the level of engineering effort required to complete the project.

The construction and the basic software development has been completed and this phase of the work will be closed. The engineering cost to close out the engineering portion of the project is \$89,722.57.

There will be on going work required to tune the software as the plant personnel gain more experience with using the system. There will also be additional work related to upgrading to a newer version of the GE Software. This upgrade will be necessary in order to be able to maintain ongoing support from the software vendor. It is anticipated that these costs will be covered in operating budget.

Original Contract Amount	\$448,000.00
Change Order No. 1	\$160,000.00
Change Order No. 2	<u>\$ 89,722.57</u>
Revised Contract Amount	\$697,722.57

## **Council Action Requested:**

It is requested that approval be given for the Control System Upgrade - Change Order No.2 with Integrated Technology in the amount of \$89,722.57; 54378.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ To: \_\_\_\_\_

25

**REQUEST FOR COUNCIL ACTION**

MEETING

DATE: 12-15-03

59

AGENDA SECTION: CONTINUED PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. <b>E-1</b>
ITEM DESCRIPTION: Zoning District Amendment Petition #03-21 by Accessible Space, Inc. to amend the zoning from B-4 (General Commercial) to the B-1 (Restricted Commercial) district on approximately .79 acres of land. The property is located along the south side of Eastwood Road SE and east of the Casey's General Store.		PREPARED BY: Theresa Fogarty, Planner

December 11, 2003

**City Planning and Zoning Commission Recommendation:**

The City Planning and Zoning Commission held a public hearing on November 12, 2003 to consider the zone change request by Accessible Space, Inc. to zone .79 acres to the B-1 (Restricted Commercial) zoning district.

The Commission reviewed the zone change request based on the criteria as included in the staff report and recommended approval, with staff suggested findings.

Mr. Ohly moved to recommend approval of Zoning District Amendment #03-21 by Accessible Space, Inc. as recommended by staff. Mr. Quinn seconded the motion. The motion carried 8-0.

**Planning Department Recommendation:**

See attached staff report dated November 4, 2003.

**Council Action Needed:**

1. *The Council may approve or deny this petition. The Council's decision must be supported by findings based on the criteria listed in the staff report. If the Council wishes to proceed with the zone change as petitioned, it should instruct the City Attorney to prepare an ordinance that can be adopted supported by findings of fact and conclusions of law.*

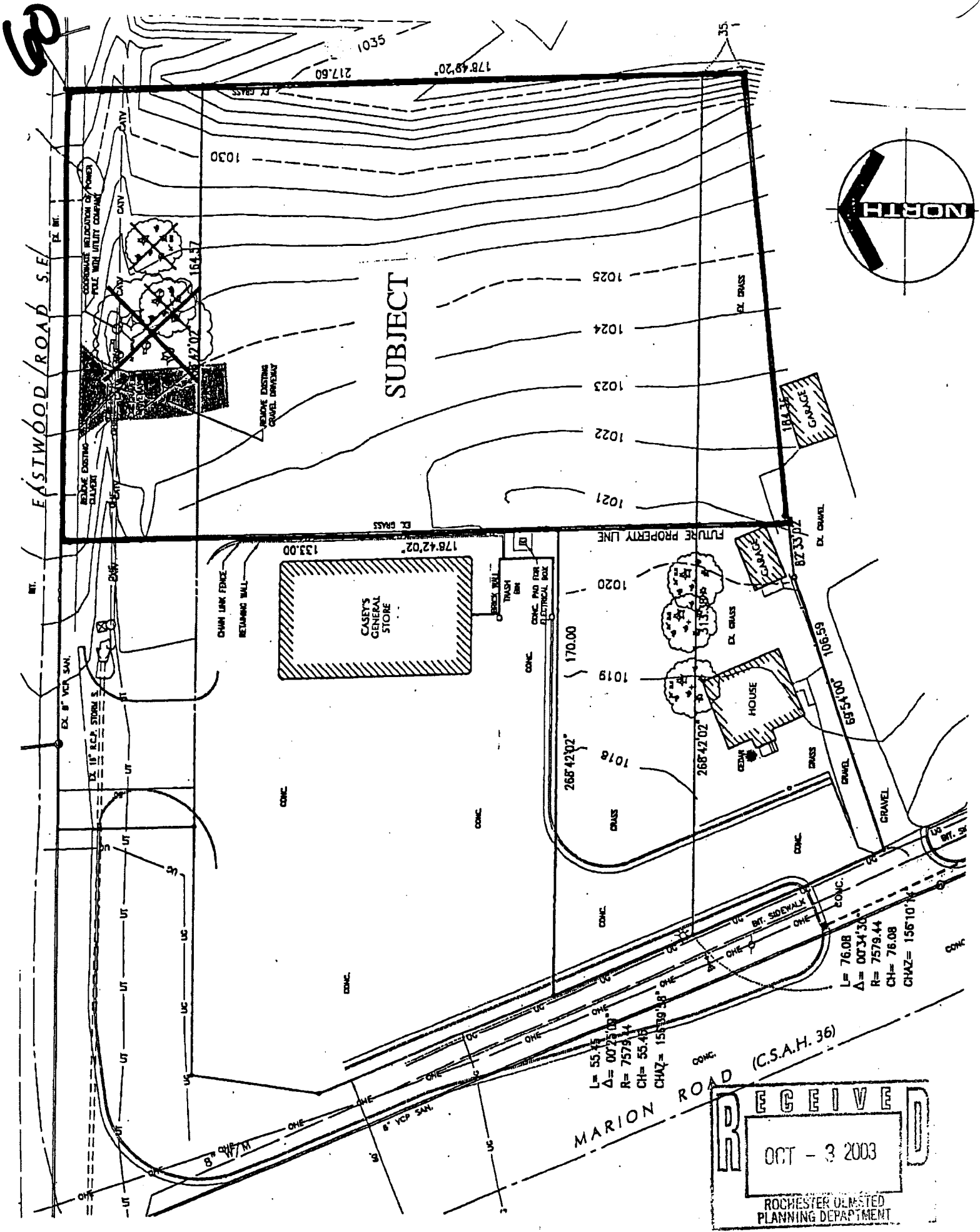
**Attachments:**

1. Staff Report dated November 4, 2003.
2. Minutes of the November 12, 2003 CPZC Meeting.

**Distribution:**

1. City Clerk
2. City Administrator
3. City Attorney: Legal Description attached
4. Planning Department File
5. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, December 15, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.




**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

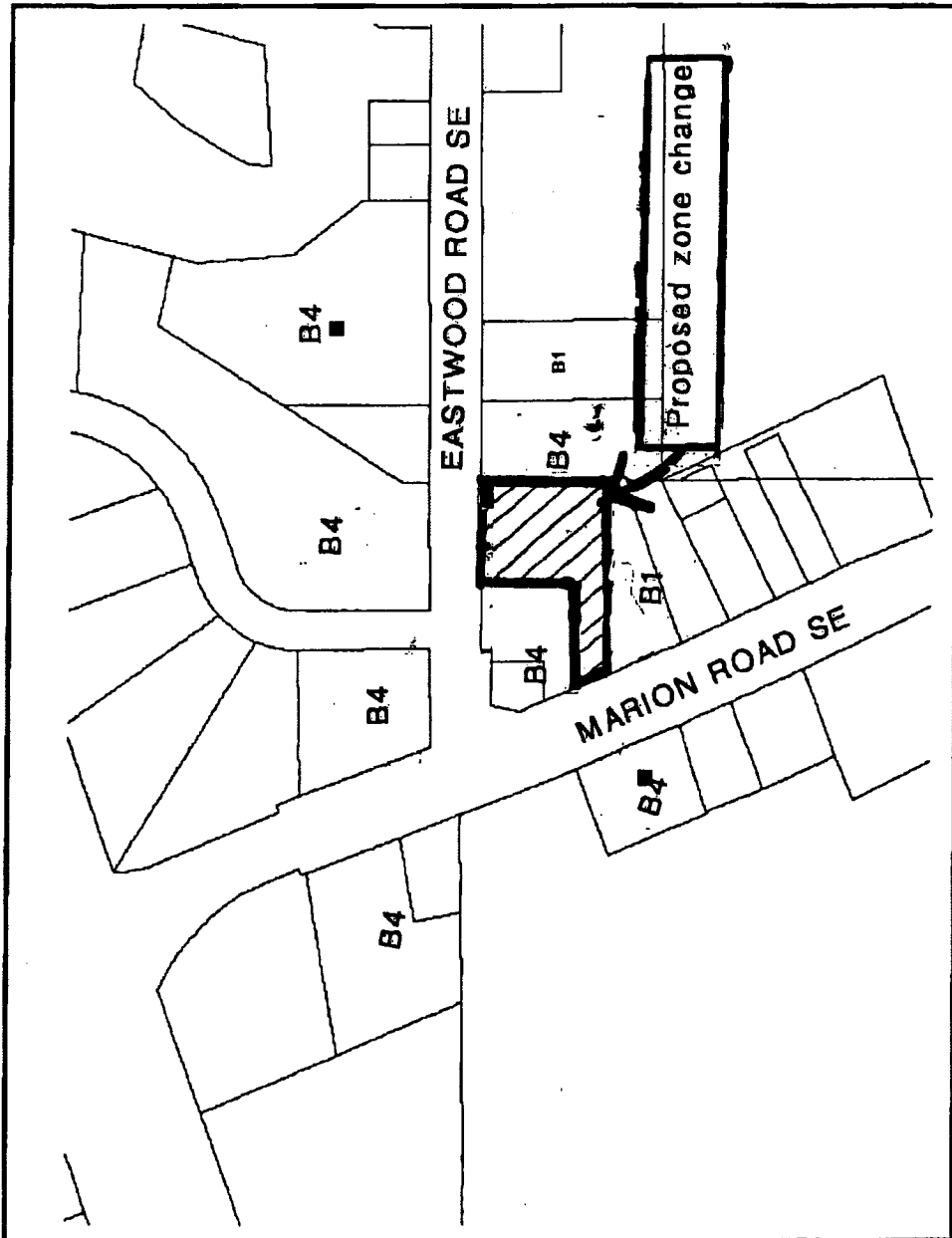


61

ESRI ArcExplorer 2.0

Map Title

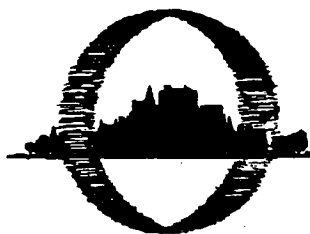
-  addresses/parcels july2003
-  District labels (ZONING\_DIS)
-  rochesterapplications1



Tuesday, Nov 4 2003

Zone Change #03-21  
 Accessible Space Inc  
 1,400' Notification Distance  
 Ward 4 Stoughton  
 10/17/03



**ROCHESTER-OLMSTED PLANNING DEPARTMENT**

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

*Olmsted*

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**TO:** City Planning and Zoning Commission

**FROM:** Theresa Fogarty, Planner

**DATE:** November 4, 2003

**RE:** Zoning District Amendment Petition #03-21 by Accessible Space Inc. to amend the zoning from B-4 (General Commercial) to the B-1 (Restricted Commercial) district on approximately .79 acres of land. The property is located along the south side of Eastwood Road SE and east of the Casey's General Store.

**Planning Department Review:**

**Petitioner:** Accessible Space, Inc.  
Attention: Mike Bjerkesett  
1050 Thorndale Avenue  
New Brighton, MN 55112

**Location of Property:** The site is located along the south side of Eastwood Road SE and east of the Casey's General Store.

**Requested Action:** The applicant requests .79 acres of land be rezoned from B-4 (General Commercial) to B-1 (Restricted Commercial).

**Existing Land Use:** The property is undeveloped land.

**Proposed Land Use:** Development of a 15 unit apartment building.

**Adjacent Land Use and Zoning:**

**North:** The parking area for the United States Post Office – Bear Creek Station, zoned B-4 (General Commercial) district on the City of Rochester Zoning Map.

**South:** Single family dwelling, zoned B-1 (Restricted Commercial) district on the City of Rochester Zoning Map.

**West:** Casey General Store (gas station / convenience store) zoned B-4 (General Commercial) District on City of Rochester Zoning Map.

**East:** Nigon Woodworks (woodworking business), zoned B-4 (General Commercial) district on the City of Rochester Zoning Map.



64  
Page 2  
ZC 03-21  
Accessible Space  
November 4, 2003

**Transportation Access:**

Access to this site would be from County Road 144 (Eastwood Road). Access from County Road 144 will require an access permit from Olmsted County Public Works Department.

**Wetlands:**

Minnesota Statutes now require that all developments be reviewed for the presence of wetlands or hydric soils. There are no hydric soils within this zone change request.

**Referral Comments:**

No referral comments attached.

**Report Attachments:**

1. Proposed Zoning Map
2. Location Map

**Analysis for Zoning District Amendment:**

Under the provisions of Paragraph 60.338 of the Rochester Land Development Manual, the Commission shall recommend for approval and the Council shall approve, an application requesting an amendment to the zoning map if the amendment satisfies the following criteria:

- 1) **The criteria of this subdivision apply to those amendments to the zoning map filed by formal petition. An amendment need only satisfy one of the following criteria:**
  - a) **The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan;**
  - b) **The area was originally zoned erroneously due to a technical or administrative error;**
  - c) **While both the present and proposed zoning districts are consistent with the Plan, the proposed district better furthers the policies and goals of the Comprehensive Plan as found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, Chapter 3 of the Housing Plan, and Chapter 10 of the ROCOG Long Range Transportation Plan; or**
  - d) **The area has changed or is changing to such a degree that it is in the public interest to rezone so as to encourage development or redevelopment of the area.**

This property is located within the boundaries of the Rochester Urban Service Area Land Use Plan. Land Use Designations within this area are considered to be "Commercial". Rezoning this property to the B-1 (Restricted Commercial) District is consistent with the land use plan and would serve to better further the policies and goals of the Comprehensive Plan and Housing Plan. Rezoning the property promotes the development of mixed densities of residential uses & business uses and also promotes the development of affordable housing and limited low intensity business uses. In addition, it is in the public interest to rezone the property to encourage development of the area and to encourage development of housing and limited low intensity business uses that will help meet the needs of the community.

65

Page 3  
ZC 03-21  
Accessible Space  
November 4, 2003

2) The criteria of this subdivision also apply to those amendments to the zoning map filed by formal petition. However, an amendment must satisfy all of the following criteria:

- a) the permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and

The B-1 zoning will be appropriate on the subject property and compatible with the adjacent property and the neighborhood to the south.

- b) the proposed amendment does not involve spot zoning. (Spot Zoning involves the reclassification of a single lot or several small lots to a district which is different than that assigned to surrounding properties, for reasons inconsistent with the purposes set forth in this ordinance, the state enabling legislation, or the decisions of courts in this state).

The proposed amendment does not involve spot zoning since it is consistent with the policies of the Comprehensive Plan.

**Staff Recommendation:**

Based on the above-mentioned findings, it would appear that this zoning district amendment would meet the above criteria.

66  
Page 4  
City Planning and Zoning Commission Minutes  
Hearing Date: November 12, 2003

Mr. Burke moved to recommend approval of Type III, Phase III Conditional Use Permit #03-53 by Degeus Properties LLC as recommended by staff. Mr. Haeussinger seconded the motion. The motion carried 8-0.

**CONDITIONS:**

1. Prior to commencing operations on this property, the applicant shall obtain grading plan approval from the City.
2. The activity shall not cause a filling or draining of the wetland or the a permit shall be obtained as may be required through the Wetland Conservation Act.

**PUBLIC HEARINGS:**

X Zoning District Amendment #03-21 by Accessible Space Inc. to amend the zoning from B-4 (General Commercial) to the B-1 (Restricted Commercial) district on approximately .79 acres of land. The property is located along the south side of Eastwood Road SE and east of the Casey's General Store.

Ms. Mitzi A. Baker presented the staff report, dated November 4, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Quinn asked if a portion of the zone change goes out to Marion Road.

Ms. Baker responded no.

Mr. Quinn asked how they would access Marion Road.

Ms. Baker responded that they have ownership of the property, but just are not asking for rezoning of it.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Ohly moved to recommend approval of Zoning District Amendment #03-21 by Accessible Space Inc. as recommended by staff. Mr. Quinn seconded the motion. The motion carried 8-0.

Preliminary Plat #03-36 to be known as Fox Trails, by Roger Carlsen. The applicant is proposing to subdivide approximately 49.09 acres of land into 53 lots for single family and low density residential development, and 3 Outlots. The property is located north of 19th St. NW, west of West Circle Drive and south of the Badger Ridge development and is included in the approved West 19 Development General Development Plan.

Ms. Baker asked the Commission if they would like staff to make a presentation since the only person in the audience was the applicant's representative.

The Commission responded no.

## REQUEST FOR COUNCIL ACTION

MEETING  
DATE: 12/15/03

61 ✓

<b>AGENDA SECTION:</b> RESOLUTIONS AND ORDINANCES	<b>ORIGINATING DEPT:</b> CITY ATTORNEY'S OFFICE	<b>ITEM NO.</b> G
<b>ITEM DESCRIPTION:</b> RESOLUTIONS AND ORDINANCES		<b>PREPARED BY:</b> TERRY ADKINS TLA
<p>G. 1. RESOLUTIONS</p> <p>G. 2. FIRST READING OF ORDINANCES, as appropriate.</p> <p>a) An Ordinance Amending And Reenacting Chapter 34 Of The Rochester Code Of Ordinances, Relating To The Housing Code.</p> <p>b) An Ordinance Amending and Reenacting Chapter 38 Of The Rochester Code Of Ordinances, Relating To The Housing Code: Registration Of Rental Units.</p> <p>G. 3. SECOND READING OF ORDINANCES (for adoption).</p> <p>a) An Ordinance Amending and Reenacting Chapter 144 Of The Rochester Code Of Ordinances, Relating To Parades.</p> <p>b) An Ordinance Annexing To The City Of Rochester Approximately 7.94 Acres of Land Located In The West Half Of The Northwest Quarter Of The Southwest Quarter Of Section 4, Township 106 North, Range 13 West, Olmsted County, Minnesota. Said property is located on the south side of Highway 14 East and on the East side of 40<sup>th</sup> Avenue S.E.</p> <p>G. 4. MISCELLANEOUS</p>		
<b>COUNCIL ACTION:</b> Motion by: _____ Second by: _____ to: _____		

